

WRITING STUDENT BRIEFS

What are student briefs?

Student briefs are study aids written by law students and other people who are studying cases. They are summaries of court opinions. They are not the same thing as **appellate briefs**, which are lengthy documents written by lawyers. Appellate briefs present each side's legal arguments in appellate cases.

Why write a student brief?

There are several reasons why it is advisable to brief the cases that you are assigned to read. First, briefing forces you to read a case carefully and understand it. You will understand a case much better if you brief it. Second, many case opinions are extremely long. Briefing summarizes the most important parts of an opinion. Third, briefs will help you study for tests. You will save a lot of time studying if you've briefed your cases, because you'll have less need to refer to the original opinions in your text. Finally, briefs come in very handy when you're called on in class. Instead of leafing frantically through the opinion, trying to jog your memory and make sense of your highlighting, you can simply glance at the pertinent parts of your brief. You'll impress your teachers this way!

While writing briefs may be a bit tedious at first, with practice you'll find that it only takes you a few minutes.

What are the components of a student brief?

Title

This is the name of the case and its citation. I like to circle the name of the party that wins.

Facts

This is a **short** summary of the events that led to the case. Include only the most important details, and omit any unnecessary information. Generally, the facts should be no more than a few sentences long. In some cases, they will be only a few words: e.g., "Defendant was convicted of murder and sentenced to death."

History or Procedure

This part should contain a description of how this case came to be in this particular court. For example: "Defendant was convicted of robbery. He appealed to the state court of appeals, which overturned his conviction. The state is now appealing to the state supreme court."

Issue(s)

This is the legal question (or questions) that the court is trying to answer in this case. Phrase each issue as a question, perhaps beginning with the word "does" or "whether". Make sure that the issue is framed in general terms, and that it includes all the pertinent details. Also make sure that it is a **legal** issue, rather than a factual one. For example, the following would **not** be good statements of the issue:

- "Was the defendant guilty of first degree murder?"
- "Were the defendant's constitutional rights violated?"

These statements would be better:

- "Whether a few moments is sufficient time to constitute premeditation for the purposes of first degree murder."
- "Does the 5th amendment require that a suspect in custody be informed of his constitutional rights by police prior to being interrogated?"

Holding

This is the answer that the court has given to the issues. It should be one word for each issue: either "yes" or "no". Make sure you get it right!

Reasoning

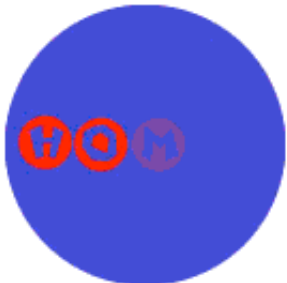
This is the reasons that the court has given for its opinion. It will often be the lengthiest part of your brief, but it should not exceed a few paragraphs. It is often useful to write this part in list or outline form. You should have enough information here to answer this question: "Why did the court decide the way it did?" Don't use exact quotes in this section; paraphrase and condense into your own words.

Dissents and Concurrences

Write a short summary (a few sentences long) of any dissenting or concurring opinions. Include the names of the dissenting and concurring judges.

A sample brief

[Click here](#) to see an example of a student brief. The sample brief is of the opinion in *Mapp v. Ohio* (367 U.S. 643 (1961)). The full text of the original opinion can be found at Cornell's University's [Supreme Court site](#).



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